



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,153	08/21/2003	Jeong-Kyu Moon	678-1123 (P10535)	8920
66547	7590	05/16/2007	EXAMINER	
THE FARRELL LAW FIRM, P.C. 333 EARLE OVINGTON BOULEVARD SUITE 701 UNIONDALE, NY 11553			DESIR, PIERRE LOUIS	
		ART UNIT	PAPER NUMBER	
		2617		
		MAIL DATE	DELIVERY MODE	
		05/16/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/646,153	MOON, JEONG-KYU	
	Examiner	Art Unit	
	Pierre-Louis Desir	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 26 February 2007.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 4-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 4-10 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 4-10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 4-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant admitted prior art (Admission), Pub. No. US 20040092294 in view of Moran, Pub. No. US 2002/0073142.

Regarding claim 4, Admission discloses a method comprising the step of: attempting to establish a call connection with a counterpart mobile terminal using the mobile terminal, and wherein the call connection between the mobile terminal and the counterpart mobile terminal is not established (i.e., when a call connection state between a mobile terminal of a user (i.e., a calling mobile terminal) and a mobile terminal of a called party (i.e., a called mobile terminal) is not established even though the calling mobile terminal attempts to connect with the called mobile terminal, the calling mobile terminal gains access to a message inbox. In other words, when the calling mobile terminal cannot connect with the called mobile terminal even though it attempts to, for example, when the called mobile terminal is already in a call connection state

with another mobile terminal or is in a no-call connection area, the calling mobile terminal is connected to a message inbox of a called party) (see paragraph 5).

Although Admission discloses a method comprising if a call connection between a calling terminal and a called terminal fails the calling mobile terminal is connected to a message inbox (see paragraph 4), Admission does not specifically disclose a method comprising pressing a one-touch call button of the mobile terminal that transmits using information entered during the attempt to establish connection, a predetermined message corresponding to the one-touch call button to the counterpart mobile terminal.

However, Moran discloses a method (with the service of voice mail or answering services, which would present that the destination party's unavailability to receive the call; therefore, the call is diverted to voice mail or answering services) wherein a user is able to send a pre-recorded message by pressing a particular function key on a telephone handset (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Admission, which taught that when the connection fails to establish that the calling terminal is connected to a message inbox, with the teachings of Moran, which taught one touch key is used to send a pre-recorded message (i.e., while connected to the messaging server) to arrive at the claimed invention. A motivation for doing so would have been to facilitate the sending of messages to the destination party.

Regarding claims 5-7, Admission discloses a method as described above (see claim 4 rejection).

Although Admission discloses a method as described, Admission does not specifically disclose wherein the step pressing the one-touch call button of the mobile terminal, includes the

steps of: reading out a phone number of the mobile terminal and the predetermined message from a memory of the mobile terminal; and simultaneously transmitting the phone number of the mobile terminal and the predetermined message to the counterpart mobile terminal.

However, Moran discloses a method wherein a messaging server is arranged to store one or more pre-specified messages, wherein the pre-specified message can be a standard message containing the originator's details (i.e., phone number, name) and a request to be called back. Moran further discloses the step of receiving an input from a user, indicating that the pre-specified message is to be sent to the destination party, and sending the pre-specified message to the destination party mailbox (see page 1, paragraphs 8-12). Moran further discloses, as related to claim 6 and 7, a method wherein the predetermined message is a previously voice message or text message (i.e., pre-recorded voice or text message) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art to combine both arts to arrive at the claimed invention. A motivation for doing so would have been to provide a messaging system, which overcomes the tedious routine of repeating one's name, phone number, and time of call (see paragraph 3).

Regarding claims 8-10, Admission discloses a method for performing a one-touch call operation using a mobile terminal, comprising the step of: attempting to establish a call connection with a counterpart mobile terminal using the mobile terminal, and wherein the call connection between the mobile terminal and the counterpart mobile terminal is not established (i.e., when a call connection state between a mobile terminal of a user (i.e., a calling mobile terminal) and a mobile terminal of a called party (i.e., a called mobile terminal) is not established even though the calling mobile terminal attempts to connect with the called mobile terminal, the

Art Unit: 2617

calling mobile terminal gains access to a message inbox. In other words, when the calling mobile terminal cannot connect with the called mobile terminal even though it attempts to, for example, when the called mobile terminal is already in a call connection state with another mobile terminal or is in a no-call connection area, the calling mobile terminal is connected to a message inbox of a called party) (see paragraph 5).

Although Admission discloses a method comprising if a call connection between a calling terminal and a called terminal fails the calling mobile terminal is connected to a message inbox (see paragraph 4), Admission does not specifically disclose a method comprising pressing a one-touch call button of the mobile terminal that transmits using information entered during the attempt to establish connection, a predetermined message corresponding to the one-touch call button to the counterpart mobile terminal.

However, Moran discloses a method (with the service of voice mail or answering services, which would present that the destination party's unavailability to receive the call; therefore, the call is diverted to voice mail or answering services) wherein a user is able to send a pre-recorded message by pressing a particular function key on a telephone handset (see abstract). Moran further discloses the step of transmitting a phone number of the mobile terminal and a predetermined message to the counterpart mobile terminal (i.e., a messaging server is arranged to store one or more pre-specified messages, wherein the pre-specified message can be a standard message containing the originator's details (i.e., phone number, name) and a request to be called back. Moran further discloses the step of receiving an input from a user, indicating that the pre-specified message is to be sent to the destination party, and sending the pre-specified message to the destination party mailbox) (see page 1, paragraphs 8-12). And as related to claims 9-10,

Moran further discloses a method wherein the predetermined message is a previously voice message or text message (i.e., pre-recorded voice or text message) (see abstract).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Admission, which taught that when the connection fails to establish that the calling terminal is connected to a message inbox, with the teachings of Moran, which taught one touch key is used to send a pre-recorded message (i.e., while connected to the messaging server) to arrive at the claimed invention. A motivation for doing so would have been to provide a messaging system, which overcomes the tedious routine of repeating one's name, phone number, and time of call (see paragraph 3).

Conclusion

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre-Louis Desir whose telephone number is (571) 272-7799. The examiner can normally be reached on Monday-Friday 8:00AM- 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Pierre-Louis Desir
05/10/2007


JOSEPH FEILD
SUPERVISORY PATENT EXAMINER